

# VIRGINIA FAIR HOUSING BOARD

## MINUTES OF MEETING

March 3, 2010

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman  
Tonye Epps  
Stephen McMaster  
Neil Bhatt  
Penny Johnson  
Jim Ginnell  
Robert Ruais  
Rosario Carrera

Board members not present: Jeffrey Adkins  
Phyllis Randall  
Martin Maples

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director  
Mark Courtney, Deputy Director  
Christine Martine, Executive Director  
Liz Hayes, Fair Housing Administrator  
Deanda Shelton, Assistant Fair Housing Administrator  
Emily Trent, Administrative Assistant  
Trudy Miller, Fair Housing Investigator  
Angela Keefe-Thomas, Fair Housing Investigator  
Karen Taylor, Fair Housing Specialist  
Aysan Sanchez, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:04 **Call to Order**  
A.M.

A motion was made by Ms. Ruais and seconded by Mr. **Agenda**  
Ginnell to approve the Agenda. The motion passed

unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

Board member Tonye Epps arrived at 10:05 a.m.

**Arrival of Board Member**

There was no public comment.

**Public Comment**

A motion was made by Mr. McMaster and seconded by Mr. Bhatt to approve the December 9, 2009, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**Minutes**

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

**Fair Housing  
Administrator's Report**

Board member Rosario Carrera arrived at 10:10 a.m.

**Arrival of Board Member**

In the matter of **FHB File Number 2009-04483, Charles Fischbein v. Samuel H. Smith, Margaret Smith and Sam-Mag Properties, LC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Margaret Smith, respondent, appeared and addressed the Board. A motion was made by Mr. Ginnell and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**FHB File Number 2009-  
04483, Charles Fischbein  
v. Samuel H. Smith,  
Margaret Smith and Sam-  
Mag Properties, LC**

In the matter of **FHB File Number 2010-01355, Sidney Aquino and Juan Carlos Loubriel v. Jessica Ward, Kahn B. Franklin and Washington Real Estate Investment Trust**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Anna Valencia, Asset Manager for Washington Real Estate Investment Trust, and Ann Magruder, attorney for the respondent, appeared and addressed the Board. A motion was made by Mr. Ginnell and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, Ruais and Rubinstein. Member voting "No" was McMaster.

**FHB File Number 2010-  
01355, Sidney Aquino and  
Juan Carlos Loubriel v.  
Jessica Ward, Kahn B.  
Franklin and Washington  
Real Estate Investment  
Trust**

In the matter of **FHB File Number 2010-00232, Mohammed Faiz and Summera Faiz v. American Home Mortgage Servicing, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Mohammed Faiz, complaint, appeared and addressed the Board. A motion was made by Mr. Ginnell and seconded by Ms. Carrera to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**FHB File Number 2010-00232, Mohammed Faiz and Summera Faiz v. American Home Mortgage Servicing, Inc.**

In the matter of **FHB File Number 2009-04256, Kathryn Sack v. Kathy Hughes, George McClellan, and Trust of Stephen McClellan**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. Kathryn Sack, complainant, appeared and addressed the Board.

**FHB File Number 2009-04256, Kathryn Sack v. Kathy Hughes, George McClellan, and Trust of Stephen McClellan**

At 10:55 A.M., Ms. Johnson offered a motion which was seconded by Ms. Carrera, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Angela Keefe-Thomas.

**Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

**13. FHB File Number 2009-04256, Kathryn Sack v. Kathy Hughes, George McClellan and Trust of Stephen McClellan**

At 11:04 A.M., a motion was made by Mr. McMaster and seconded by Ms. Carrera that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote

**Certification**

in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Atkins, Maples, and Randall.

In the matter of **FHB File Number 2009-04256, Kathryn Sack v. Kathy Hughes, George McClellan, and Trust of Stephen McClellan, LLC**, a motion was made by Mr. Ruais and seconded by Mr. Bhatt to find reasonable cause that the Respondent discriminated against Complainants by refusing to negotiate for the rental of a dwelling, falsely representing the availability of a dwelling and refusing to make a reasonable accommodation based on handicap. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**FHB File Number 2009-04256, Kathryn Sack v. Kathy Hughes, George McClellan, and Trust of Stephen McClellan**

In the matter of **FHB File Number 2010-00450, Victor and Liubov Mercado v. Bobbie Pollard, EQR-Millbrook I, LLC and Equity Residential Management, LLC**, the Board reviewed the record which consisted of the Final

**FHB File Number 2010-00450, Victor and Liubov Mercado v. Bobbie Pollard, EQR-Millbrook**

Investigative Report and Case Analysis and Recommendation and Supplement to the Final Investigative Report. A motion was made by Mr. Ruais and seconded by Ms. Carrera to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**I, LLC and Equity Residential Management, LLC**

In the matter of **FHB File Number 2010-01076, Hakeem Shareef and Ashley Smith v. LIC Associates-Martinsville, Landura Management Associates Limited Partnership and Shirley Apple**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Carrera and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**FHB File Number 2010-01076, Hakeem Shareef and Ashley Smith v. LIC Associates-Martinsville, Landura Management Associates Limited Partnership and Shirley Apple**

The Board recessed from 11:20 A.M. to 11:25 A.M.

**Break**

In the matter of **FHB File Number 2010-01126, Shuntra Muse v. Summertree Apartments, LLC, Dot Hatcher and Lauren Fisher**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplement to the Final Investigative Report. A motion was made by Mr. Ruais and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**FHB File Number 2010-01126, Shuntra Muse v. Summertree Apartments, LLC, Dot Hatcher and Lauren Fisher**

In the matter of **FHB File Number 2010-00985, Ronald and Karen King v. Quicken Loans, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplement to the Final Investigative Report. A motion was made by Mr. McMaster and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**FHB File Number 2010-00985, Ronald and Karen King v. Quicken Loans, Inc.**

In the matter of **FHB File Number 2010-00635, Ricki**

**FHB File Number 2010-**

**Leonard v. Deanna Nielsen**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Johnson and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**00635, Ricki Leonard v. Deanna Nielsen**

In the matter of **FHB File Number 2010-01238, Carolynn Bell and David Guion v. Ruth Sternlicht and Fremac Apartment Associates, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplement to the Final Investigative Report. A motion was made by Ms. Johnson and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**FHB File Number 2010-01238, Carolynn Bell and David Guion v. Ruth Sternlicht and Fremac Apartment Associates, LLC**

In the matter of the **File Number 2010-00458, Tom Trivellin & Norma Coogan v. Carl Smith, Gerladine Keister, The Dockside Condominium Property Owners Association, Inc., and The Dockside Condominium Property Owners Association, Inc. Board of Directors**, a motion was made by Mr. Bhatt and seconded by Ms. Carrera to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**File Number 2010-00458, Tom Trivellin & Norma Coogan v. Carl Smith, Gerladine Keister, The Dockside Condominium Property Owners Association, Inc., and The Dockside Condominium Property Owners Association, Inc. Board of Directors**

In the matter of the **File Number 2009-01239, Gary Spencer v. Quality Investments Manager Company, Inc., Marion Watkins, Property Manager; and LTT Associates, LLC**, a motion was made by Mr. Bhatt and seconded by Ms. Carrera to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**File Number 2009-01239, Gary Spencer v. Quality Investments Manager Company, Inc., Marion Watkins, Property Manager; and LTT Associates, LLC**

In the matter of the **File Number 2008-03947, Sandra Tabb v. Bay Country, Inc., Michelle Belle and William Martin**, a motion was made by Mr. McMaster and

**File Number 2008-03947, Sandra Tabb v. Bay Country, Inc., Michelle**

seconded by Mr. Ruais to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**Belle and William Martin**

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Fair Housing Board. Penny Johnson nominated Stephen McMaster for the position of Vice-Chair. With no other nominations, the nominations were closed. A motion was made by Ms. Johnson and seconded by Ms. Epps to elect Stephen McMaster as Vice-Chair. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Johnson, McMaster, Ruais and Rubinstein.

**Election of Officers**

Ms. Martine presented the Board with a legislative update. A motion was made by Mr. Rubinstein and seconded by Mr. Ginnell to express concerns to the Governor regarding House Bill 735 and the ramification which may cause loss of HUD funding if there was a lose of substantial equivalency.

**New Business**

The Board adjourned at 11:56 a.m.

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David B. Rubinstein, Chairman

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Jay W. DeBoer, Secretary